

REMARKS

This is intended as a full and complete response to the Office Action dated March 5, 2004, having a shortened statutory period for response set to expire on June 5, 2004. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-41 are pending in the application. Claims 1-41 remain pending following entry of this response.

Claims 1, 25 and 30 are amended to clarify the invention. Claims 1, 25 and 30 are amended to clarify the nature of a reservation in insuring item availability. These amendments are not presented to distinguish a reference, thus, the claims as amended are entitled to a full range of equivalents.

Examiner characterizes the rejection of claims 1-41 as a 103(a) rejection, but appears to argue *Tedesco* as an anticipating reference with respect to the claims. As a result, Applicants are unsure of which of the standards Examiner has applied, and are further unsure of which claims the standards apply to. Applicants respectfully request that Examiner clarify the specific grounds on which each claim has been rejected. Despite this uncertainty as to which standards apply, and in the interest of bringing the furthering prosecution, Applicants will make a good faith effort to respond to Examiner's rejections.

Claims 1-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Tedesco et al.* (US 6,085,888, hereinafter *Tedesco*). Applicants respectfully traverse the rejection.

Each of Applicants' pending claims recite a method for operating a reservation control system wherein the system, upon receiving a request from a computer, determines if the requested item is available at a vending machine, and if so, reserves the item at that vending machine. *Tedesco* describes a method for purchasing a subscription for a plurality of items of a product from a vending machine. *Tedesco* does not teach, show, or suggest a reservation of an item at a machine. Therefore, the claims are believed to be allowable and Applicants respectfully request allowance of the same.

Examiner cites *Tedesco* at column 9, lines 34-50 for the proposition that an item is reserved. Applicants respectfully submit that the cited sections show that in no sense

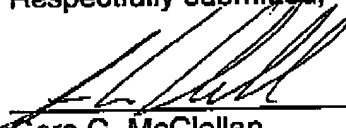
of the word has an item been reserved. First, the cited section refers to the "exemplary non-subscription purchase" (col. 9, lines 21-22). The cited section does not refer to reservation of an item. That *Tedesco* does not recite an item which is reserved at a machine is evident from *Tedesco*'s concession that their invention suffers from the very deficiency that the present claims intend to resolve (col. 9, lines 34-50). If the demand for a product has been higher than that estimated at the time of subscription, it is conceded that the machine may be out of inventory when a purchaser attempts to make a purchase (col. 9, lines 34-50). *Tedesco* concedes that even a subscriber with a valid redemption code and thus a valid subscription may attempt to redeem the subscription only to find that the vending machine has sold out of the product (col. 8, lines 33-49, in the section referring to "exemplary subscription redemption"). The solution to this problem in *Tedesco* is to display a message stating that there is "insufficient inventory" (col. 9, lines 34-50). *Tedesco* discloses that the requesting party has a subscription, but in no sense does it disclose that the requesting party has a reservation for the item at a vending machine. In fact, *Tedesco* is clear that subscribing to a product does not reserve the product. A *Tedesco* subscriber is not assured of the availability of a product subscribed to. Claims 1, 25, and 30 are amended to further emphasize the nature of a reservation as ensuring item availability. Therefore, the claims are believed to be allowable and Applicants respectfully request allowance of the same.

Claims 1-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Tedesco* in view of *Freeny, Jr.* (US 6,490,443; hereinafter *Freeny*). As noted above, Examiner does not state to which specific claims this rejection applies, and as claims 1-41 do not all recite a vending machine network, Applicants are unsure which claims Examiner rejects on the basis of *Tedesco* and *Freeny*. Applicants respectfully request clarification of the claims to which this rejection applies. In any case, Applicants believe that *Tedesco* has been overcome for the reasons given above. Accordingly, the combination of *Tedesco* and *Freeny* does not teach, show or suggest receiving a reservation request for an item, determining the availability of that item at a vending machine, and reserving the item if available. Therefore, the claims are believed to be allowable and the Applicants respectfully request allowance of the same.

The Examiner further asserts the unpatentability of one or more claims on the basis that data structures are well-known. Again, the Examiner does indicate which claims are being rejected on this basis and, accordingly, Applicants are unable to respond. However, Applicants believe that *Tedesco* has been overcome for the reasons given above. Accordingly, *Tedesco* does not teach, show or suggest receiving a reservation request for an item, determining the availability of that item at a vending machine, and reserving the item if available.

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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